

# Notice of Allowability

Application No.

10/659,060

Examiner

Marissa J. Detschel

Applicant(s)

DE GROOT, PETER J.

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## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed June 8, 2006.
2. ☒ The allowed claim(s) is/are 1-43, 46, 47 and 50-57.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 3/31/06, 6/15/06
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

***Allowable Subject Matter***

Claims 1-43, 46, 47, and 50-53 are allowed.

The following is an examiner's statement of reasons for allowance:

As to claims 1 and 46, the prior art of record, taken alone or in combination, fails to disclose or render obvious an apparatus or method comprising varying an optical path length difference from a source to a detector in an interferometry system between interfering portions of a test and reference light at a rate that depends on the angle at which the test light emerges from the object being tested, and determining an angle-dependency of an optical property based on this variance of optical path length difference, in combination with the rest of the limitations of claims 1 and 46.

As to claims 43 and 47, the prior art of record, taken alone or in combination, fails to disclose or render obvious an apparatus or a method comprising varying an optical path length difference from a source to a detector in an interferometry system between interfering portions of a test and reference light at a rate that depends on the angle at which the test light emerges from the object being tested, and determining a thickness of a thin film based on this variance of optical path length difference, in combination with the rest of the limitations of claims 43 and 47.

As to claims 50 and 54, the prior art of record, taken alone or in combination, fails to disclose or render obvious an apparatus comprising a scanning interferometer that varies an optical path length difference from the source to the detector between interfering portions of the test and the reference light at a rate that depends on the angle

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at which the test light emerges from the object, in combination with the rest of the limitations of claims 50 and 54.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Information Disclosure Statement***

The information disclosure statements filed on March 31, 2006 and June 15, 2006, has been fully considered by the Examiner, except for Other Document Designated ID CF Seung-Woo Kim et al., "Thickness-profile measurement of transparent thin-film layers by white light scanning interferometry," Applied Optics, Vol. 38, No. 28, pp. 5968-5973 (October 1, 1999) of the one filed on March 31, 2006. No copy of this document was included in the set of Other Documents as filed with the information disclosure statement of March 31, 2006.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa J. Detschel whose telephone number is 571-272-2716. The examiner can normally be reached on M-F 8:30am-5:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory J. Toatley, Jr. can be reached on 571-272-2059. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Marissa J Detschel  
July 7, 2006



**HWA (ANDREW) LEE**  
**PRIMARY EXAMINER**